

Honorable Senator Tammy Baldwin
United States Senator
633 West Wisconsin Avenue, Suite 1920
Milwaukee, Wisconsin 53203

Dear Senator Baldwin:

Thank you for your September 13, 2018 letter regarding your constituent's concerns about private residential wells that might be impacted by agricultural operations. Your constituent, Ms. Virginia Drath, asked several questions related to the U.S. Environmental Protection Agency's role in addressing such concerns. Please see the responses below.

At what point does the EPA get involved when an industrial ag producer has a history of violations? The State of Wisconsin has been delegated to implement federal rules designed to protect surface water from Concentrated Animal Feeding Operations (CAFOs) and has the primary responsibility to ensure compliance. For information on EPA's role when a state has been authorized to implement federal environmental programs, see EPA's recent guidance "*Interim Office of Enforcement Compliance Assurance (OECA) Guidance on Enhancing Regional-State Planning and Communication on Compliance Assurance Work in Authorized States.*" Please find the guidance enclosed for your review.

At what point does the EPA become involved with the Dept. of Health and coordinate safety measures for public health when a major spill of contaminants is reported or discovered, especially in rural areas? EPA coordinates with the Department of Health and the Wisconsin Department of Natural Resources on responses to major spills of contaminants to protect public health. EPA has very limited authority to regulate protection of individual private wells typically found in rural areas. Section 1431 of the Safe Drinking Water Act allows EPA to issue orders in certain circumstances when there is an imminent and substantial endangerment to a drinking water source such as groundwater, and the state and local authorities have not acted to protect the drinking water source.

Can/will the EPA institute monitoring wells not just around industrial ag facilities, but also around the fields where manure is spread? EPA authority is very limited, as indicated above. The State of Wisconsin may have additional authority.

What measures does/can the EPA take to protect our environment and drinking water in rural areas? As stated above, EPA's authority is very limited. See reference above to Section 1431.

What grants or funding can local entities utilize to further well testing, education, monitoring, etc. to aid in maintaining clean drinking water for rural families and businesses, many which depend on tourism dollars? As Congress has granted EPA very limited authority to regulate protection of individual private wells typically found in rural areas, EPA has no grants or funding specifically to support these efforts. The state, county, and local community would be places to seek such resources.

When local and state governments fail to protect public health, what is the process for the EPA to get involved? EPA's role is to assist states in fully implementing federal programs that have been delegated to them. See also the enclosed Agency guidance.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denise Fortin or Eileen Deamer, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

Cathy Stepp
Regional Administrator

Enclosure

cc: Daniel Meyer, WDNR